

REMARKS

Applicants respectfully traverse and request reconsideration.

Applicants' attorney wishes to thank Examiner Stein for the courtesies extended during the telephone conference of December 14, 2006.

Claims 5, 8-9 and 19-20 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particular point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants respectfully submit that the rejection appears to be improper. The rejection does not appear to provide any facts or basis for reasoning why one of ordinary skill in the art would not understand the claim language in view of the specification. Instead there is a conclusory statement stating that the claim language "fails to particularly point out and distinctly claim how during the second more-preferred SID acquisition sequence . . ." The claim itself states specific operations that occur in language that is clear and clear in view of the specification. Applicants are unable to determine the alleged indefiniteness based on the rejection, since it does not indicate what appears to be indefinite. Since the claim indicates that, during a second more-preferred SID acquisition sequence, an acquisition of a first more-preferred stored SID element is attempted in addition to repeated attempts to acquire a second more-preferred stored SID element and a single acquisition attempt of at least one less-preferred stored SID element, the operations appear understandable. Accordingly, Applicants respectfully submit that the claim describes how the second more-preferred SID acquisition sequence is carried out.

Claims 10-13 stand rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. Applicants' attorney again wishes to thank the Examiner for the discussions relating to this rejection. As noted, Applicants respectfully submit

that a claim to "memory" that contains "instructions executable by one or more processing devices" is statutory subject matter as it is hardware that contains digital data. It is not directed to software per se which is the basis of rejection.

Claims 1-21 stand rejected under 35 U.S.C. §102(b) as being anticipated by Hooper et al. As to claim 1 and other independent claims, in the "Response to Arguments Section", the office action alleges that Hooper describes a second more-preferred SID acquisition sequence that repeatedly attempts acquisition of the same or more-preferred storage SID element, that was attempted to be acquired during the first more-preferred SID acquisition sequence. The Examiner submits "that any one set of the frequency searches (step 78-98), disclosed in Hooper, can be interpreted as an acquisition sequence...Hooper discloses a plurality of acquisition sequences (multiple frequency searches) that may be labeled a first more-preferred, a second more-preferred, etc. and are repeated until all the frequencies are scanned." Applicants respectfully submit that the claim language appears to be misapprehended. As claimed, a stored SID indicates that a more-preferred system has been acquired. The information relating to that system has been stored including the frequency that the system found. During a second more-preferred SID acquisition sequence the stored SID is attempted repeatedly. This means that the mobile scans the same frequency repeatedly, not the repeated search of different frequencies.

In contrast Hooper teaches a single acquisition sequence in steps 78-98 where for example at step 84 the acquired system is not the home system (step 78 indicates check for home system). Step 84 stores information as "default system". At step 86, if the "default system" is used it is checked to see if it is the most preferred. If it is the most preferred, the scanning stops, i.e., no "second more-preferred acquisition sequence" is carried out. The scanning only continues if step 90 is reached or at this point the default system is a lesser preferred system. Step 84 eliminates home systems, step 86 eliminates the most preferred systems therefore the


default system must be a lesser preferred system. At step 100 the next frequency is selected for scanning. There is no mention made of repeatedly attempting the same SID at the same frequency. Column 9 line 66 to column 10 line 10 states that a new frequency is selected, i.e., the same frequency is specifically not repeated. As such Applicants respectfully submit that the Hooper reference teaches a single acquisition sequence and not a multiple more-preferred SID acquisition sequence that repeatedly attempts acquisition of the more-preferred stored SID element during the second more-preferred SID acquisition sequence.

The dependent claims add additional novel and non-obvious subject matter.

Applicants respectfully submit that the claims are in condition for allowance and respectfully request that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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By: 
Christopher J. Reckamp
Reg. No. 34,414

Vedder, Price, Kaufman & Kammholz, P.C.
222 North LaSalle Street
Chicago, Illinois 60601
PHONE: (312) 609-7599
FAX: (312) 609-5005